

23 December 1946

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ARIZONA ATTORNEY GENERAL

Mr. Charles Rogers
County Attorney
Court House
Safford, Arizona

Dear Mr. Rogers:

We have your letter of 12 December 1946, requesting our opinion as to whether or not the State Board of Education has the power to enter into a contract with the Veterans' Administration setting the maximum tuition per hour for veteran-apprentices who are being given training by various public schools, including Gila Junior College; or, on the other hand, whether this power resided with the local apprenticeship council or the training institution.

General supervisory powers over the public schools of the state are given the State Board of Education in Chapter 54, A.C.A. 1939, among which is the following:

"54-102. Powers and duties of board.--
The powers and duties of the board shall be: ;

2. . . . ; exercise general supervision over and regulate the conduct of the public school system within the state; "

Within the scope of the power obviously would rest the control of the method and extent to which federal funds may be used for educational purposes by state schools. This follows not only from the above section, but from the provisions of sections 54-501 and 56-502. In the former section "the state board of education is designated as the state board for the purposes of the said

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act and has full power to cooperate with the federal board of education in the administration of its provisions", referring to the Act of Congress approved February 23, 1917 for the purpose of promoting vocational education. In the latter section the State Board of Education is empowered to handle the disbursing of federal funds arising from the act of Congress of 1920 for the promotion of vocational rehabilitation. Again, the board is empowered so to act with regard to federal grants for defense education. See Appendix 4 (a), section 1, Volume 5, A.C.A. 1939. While such power is not granted expressly for the supervising of Veterans' Administration educational benefits, the general powers of Section 54-102 supra, considered in the light of legislative history with regard to the state board's power over other federal grants-in-aid for state-wide education, give the board ample authority to regulate in the matter in question. The power to contract with the Veterans' Administration in the furtherance of this administrative function clearly follows.

An examination of Chapter 53, Laws of the Seventeenth Legislature, reveals no authority for a local apprenticeship council or a training school to negotiate with the Veterans' Administration with regard to general conditions and expenses. The authority granted these bodies by the law, pertains only to local problems in the apprenticeship system.

We are, therefore, of the opinion that the State Board of Education has authority to make a contract with the Veterans' Administration setting the rates to be paid public schools participating in the apprentice training program; that such contracts bind the various members of the public school system and that, therefore, such authority does not reside with a local apprenticeship council or a training institution.

Very truly yours,

JOHN L. SULLIVAN, Attorney General

WILLIAM P. MARBLEY,
Assistant Attorney General